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**BEST AVAILABLE COPY****REMARKS**

This Amendment is filed in response to the final Office Action dated January 12, 2005. This Amendment is filed concurrently with the filing of Request for Continued Examination (RCE). With regard to the Office Action, Applicants note with appreciation the Examiner's continued thorough examination of the application. In response to the Office Action, Applicants have amended Claims 1, 18, 21 and 24 and canceled Claims 15-17 of the application. Further, Applicants have added new Claims 25-26. Following these amendments, the application includes Claims 1-14 and 18-26. Applicants respectfully submit that all of the claims of the application are patentable over the cited references. Applicants, therefore, request reconsideration and allowance of the claims in light of the following remarks.

**I. Applicants Request Examiner Interview**

Applicants note that the application was previously under final. To avoid a further rejection, Applicants respectfully request a telephonic interview with the Examiner prior to the Examiner issuing an Action

**II. The Status of Claims 1-6 and 18-22**

Applicants are unclear of the status of Claims 1-6, and 18-22. These claims were rejected in the first Office Action dated December 3, 2003. In the second Office Action dated March 2, 2004, the claims were allowed. However, in the final Office Action, Claims 1-6 and 18-22 were rejected again. The final Office Action recited the identical text used in the first Office Action and did not include any additional comments regarding the rejection of these previously allowed claims. Therefore, Applicants are unclear on whether the rejection of Claims 1-6 and 18-22 in the final Office Action was intentional.

Furthermore, the entire text of the final Office Action regarding the rejections of every claim in this application is identical to the first Office Action and do not appear to consider any of the amendments made by Applicants. Applicants are unclear on whether this was intentional.

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### III. U.S. Patent 5,997,193 to Petterutti et al.

Applicants want to clarify that Petterutti, the primary reference relied upon in the Office Action is U.S. Patent Number 5,997,193 as opposed to U.S. Patent Number 5,997,793 as listed in the Office Action.

### IV. Claims 1-14 and 18- 24 Are Patentable

The Office Action rejected Claims 1-22 as either being anticipated by or obvious in light of Petterutti (U.S. 5,997,193). In addition, the Office Action rejected Claims 23-24 for being anticipated by Nocker (U.S. 6,236,486). Applicant respectfully disagrees with these rejections for the following reasons.

#### a. Claims 1-6

The Office Action rejected Claims 1 and 5 as being anticipated by Petterutti. The Office Action also rejected Claims 2-4 and 6 as being obvious in light of Petterutti. Claim 1 is an independent claim from which Claims 2-6 depend.

As stated above, Applicants are unclear whether Claims 1-6 were intentionally rejected. Nevertheless, Applicants amended Claims 1-6 to further recite, among other things, that the data transmitted from the printer to a remote location is in either a XML or HTML format. By transmitting data in XML or HTML, it allows for the printer to send data to any remote location without requiring the remote location to have a specialized program to decode the data.

Petterutti does not teach or suggest a printer capable of transmitting data to a remote location in XML or HTML. As such, Applicants respectfully submit that Claims 1-6 are patentable over Petterutti.

#### b. Claims 7-10

The Office Action rejected Claims 7-10 for being anticipated by Petterutti. Claim 7 is an independent claim from which Claims 8-10 depend.

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Claims 7-10 recite, among other things, a printer having electronics configured to provide that a label format stored in the printer is uploadable to a remote location where it is both viewable and modifiable.

Petterutti does not teach or suggest a printer capable of sending a label format to a remote location where it is both viewable and modifiable. Rather and as pointed out in the Office Action, Petterutti discloses a printer "adapted for control and to receive data representing the information to be printed from a terminal" (see column 7, lines 9-11). It may be argued that "data representing the information to be printed" is similar to a label format. However, the printer is receiving the information not transmitting the information let alone transmitting the information so it is both viewable and modifiable. Petterutti does disclose transmitting data from the printer but these transmissions are described as information regarding the status of the printer, an acknowledgement signal or an interrogation signal. As such, Applicants respectfully submit that Claims 7-10 are patentable over Petterutti.

### c. Claims 11-14

The Office Action rejected Claims 11-14 for being anticipated by Petterutti. Claim 11 is an independent claim from which Claims 12-14 depend.

Claims 11-14 recite, among other things, a printer having electronics configured to provide that a program stored in the printer is uploadable to a remote location where it is modifiable.

Petterutti does not teach or suggest a printer capable of sending a program to a remote location where it is modifiable. Rather, Petterutti discloses a printer that requests and receives programs and data from a terminal (see column 7, lines 15-30). Petterutti does disclose transmitting data from the printer but these transmissions are described as information regarding the status of the printer, an acknowledgement signal or an interrogation signal. As such, Applicants respectfully submit that Claims 11-14 are patentable over Petterutti.

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**d. Claims 18-21**

The Office Action rejected Claims 18, 20, and 21 as being anticipated by Petterutti. The Office Action also rejected Claim 19 as being obvious in light of Petterutti. Claim 18 is an independent claim from which Claims 19-21 depend.

As stated above, Applicants are unclear whether Claims 18-21 were intentionally rejected. Nevertheless, Applicants amended Claim 18 to further recite, among other things, a printer having electronics configured to communicate at least one printer setting in either a XML or HTML format with a remote location. Transmitting in XML or HTML allows for the printer to send data to any remote location without requiring the remote location to have a specialized program to decode the data.

Petterutti does not teach or suggest a printer capable of transmitting data to remote location in XML or HTML. As such, Applicants respectfully submit that Claims 18-21 are patentable over Petterutti.

**c. Claim 22**

The Office Action rejected Claim 22 as being unpatentable over Petterutti in view of Durst and Strobel (U.S. 5,579,449).

As stated above, Applicants are unclear whether Claim 22 was intentionally rejected. Claim 22 is a method claim reciting, among other things, posting a plurality of barcode rendering algorithms on the Internet and forwarding the barcode rendering algorithms to the printer over at least one of the Intranet, the Internet and wireless communication network.

First, none of the three references cited in the Office Action even mention the Internet, let alone posting algorithms on it. Therefore, Applicants respectfully assert the combination of the three references do not teach or suggest posting a plurality of barcode rendering algorithms on the Internet. Second, none of the three references cited in the Office Action teach, or suggest forwarding the barcode rendering algorithms to the printer over at least one of the Intranet, Internet and wireless communication network. None of the references disclose the use of the Intranet, Internet or a wireless communication network. As such, for these reasons and others, Applicants respectfully assert that Claim 22 is patentable over the cited references.

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**BEST AVAILABLE COPY****f. Claims 23-24**

The Office Action rejected Claims 23-24 as being anticipated by Nocker (U.S. 6,236,486). Claim 23 is an independent claim from which Claim 24 depends.

Claims 23 and 24 are method claims reciting, among other things, uploading from one printer in a network data and downloading the data over the network to additional printers in order to clone those additional printers.

Nocker does not teach or suggest uploading from one printer to the network. Rather Nocker discloses a data communication system that permits optical communication between a printer and a handheld collection computer docked within the printer. Nocker also discloses connecting the printer to additional handheld collection computers through the docked handheld collection computer. But Nocker discloses only sending data files and commands from the data-collection computer or computers to the printer (see column 7, lines 21-34). Nocker doesn't teach or suggest uploading from the printer. As such, Applicants respectfully submit Claims 23-24 are patentable over Nocker.

Claim 24 further claims the network data as being in a XML format. Nocker does not teach or suggest the data being in XML format. In fact, XML is never mentioned in Nocker. The Office Action only suggests that XML format reads on being able to be sent through a wireless LAN. It should be noted that many types of data in various formats may be sent through a wireless LAN. As such, Applicants respectfully submit Claim 24 is patentable over Nocker.

**CONCLUSION**

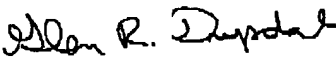
In view of the amended and new claims and the remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16,0605.

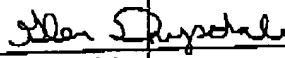
Respectfully submitted,

  
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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
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